

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF  
TENNESSEE GREENEVILLE DIVISION

JANE DOE 1, JANE DOE 2, JANE DOE 3,  
JANE DOE 4, JANE DOE 5, K.T. and M.T.,  
Personal Representatives to JANE DOE 6,  
JANE DOE 7, JANE DOE 8, and  
JANE DOE 9,

Plaintiffs,

VERSUS

No. 2:23-cv-00071-TRM-CRW

CITY OF JOHNSON CITY, TENNESSEE,  
KARL TURNER, individually and in his  
official capacity as Chief of the  
Johnson City Police Department,  
KEVIN PETERS, individually and in his  
official capacity as Captain in the  
Johnson City Police Department,  
TOMA SPARKS, individually and in his  
official capacity as Detective in the  
Johnson City Police Department,  
JUSTIN JENKINS, individually and in his  
Official capacity as Detective in the  
Johnson City Police Department, and  
DOES 6-20, inclusive,

Defendants.

**DECLARATION OF DANIEL H. RADER IV**

I represent Defendant Kevin Peters. I have requested Plaintiffs provide responses to Defendant Peters's written discovery on multiple occasions. I have engaged in multiple good faith attempts to resolve an ongoing discovery dispute with Plaintiffs, including the very identities of the Plaintiffs themselves. Among my own efforts at good faith resolution of this dispute, I made the following attempts, in writing, except for the hearing with Judge McDonough:

January 3, 2024 at 4:23pm<sup>1</sup>

Formal Letter to Heather Collins requesting Plaintiffs' names; Rule 26(a)(1)(A)(i) information concerning witnesses (e.g., those identified by pseudonym in Plaintiffs' November 20, 2023

<sup>1</sup> All times are Central Standard Time, where I am located.

disclosures); responses to interrogatories seeking this information.

December 21, 2023 at 8:54am

Email to Kevin Osborne beginning “First, you ignored my request for the names of the Plaintiffs. Again.”

December 18, 2023 at 7:10pm

Email to Kevin Osborne stating in part: “Your co-counsel has forestalled the release of these identities for a full six months under one excuse or another. The protective order has been entered. Tender the names please, immediately” and referencing Ms. Baehr-Jones’s refusal to respond to Judge McDonough’s direct question on December 15 about providing the names.

December 18, 2023 at 1:41pm

Email to Kevin Osborne, requesting responses to then-overdue Rule 33 and Rule 34 written discovery, sent in response to an email from Mr. Osborn requesting dates to take depositions of Officers Higgins and LeGault, despite the fact that Plaintiffs are seeking to add them as defendants, but they have not yet been added or served.

December 15, 2023

During a virtual hearing with Judge McDonough, I asked for a deadline for Plaintiffs to provide the names of the individuals identified by pseudonym, including Plaintiffs themselves, Jane Does 1-9

November 14, 2023

Propounded written interrogatory asking for the names of the individuals identified by pseudonym, Jane Does 1-9 and the personal representatives of Jane Doe 6, even though this information should have been provided pursuant to Rule 26.

I have made multiple attempts to meet and confer. While I have been very firm in my insistence that this information be provided, Plaintiffs’ counsel has not engaged in any meaningful discussion as to why these names should not be provided, why they are not reasonably calculated to lead to the discovery of relevant information, and why no names (even the names of the proposed class representatives under the proposed second amended complaint) were not provided in response to the interrogatory seeking this information.

This information is based on my personal knowledge and is true. I declare under penalty of perjury that the foregoing is true and correct. Executed on January 5, 2024.

  
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DANIEL H. RADER IV

Respectfully submitted,

MOORE, RADER AND YORK, P. C.

s/DANIEL H. RADER IV, BPR #025998

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Attorney for Kevin Peters in his  
individual capacity

## CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was filed electronically with the Court. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. Mail. Parties may access this filing through the Court's electronic filing system.

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This the 5th day of January, 2024.

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